

FEDERAL REGISTER

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Washington, Thursday, November 14, 1946

The President

EXECUTIVE ORDER 9802

TERMINAL DATE FOR FILING APPLICATION FOR PAYMENT CERTIFICATE UNDER SECTION 124 (h) OF THE INTERNAL REVENUE CODE

By virtue of the authority vested in me by section 124 (h) of the Internal Revenue Code, Executive Order No. 9491 of October 20, 1944, entitled "Regulations Governing the Issuance of Payment Certificates under Section 124 (h) of the Internal Revenue Code," is amended by adding the following at the end thereof:

"5. *Terminal Date for Filing Application.* A payment certificate shall be issued only if application therefor is filed in conformity with the provisions of these regulations on or before December 31, 1946."

HARRY S. TRUMAN

THE WHITE HOUSE,
November 12, 1946.

[F. R. Doc. 46-20382; Filed, Nov. 13, 1946; 10:58 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 245—IRISH POTATOES

SUBPART—1946 EMERGENCY LOAN PROGRAM

§ 245.67 *States eligible for potato loans.* The following States and areas are designated by the Director, Fruit and vegetable Branch, as eligible for special loans on potatoes stored in barns, sheds, windrows, banks, pits or other forms of emergency field storage under the 1946 Emergency Loan Program (11 F. R. 11806, §§ 245.58-245.66): Morgan County, Colorado; Connecticut; Idaho (all counties south of Idaho County); Iowa; Scott County, Kansas; Maine; Massachusetts; Michigan; Minnesota; Nebraska; New Hampshire; Nassau, Suffolk and Steuben Counties, New York; North Dakota; Oregon; Pennsylvania; Rhode Island; South Dakota; Vermont; Washington; Wisconsin; Park, Fremont and

Converse Counties, Wyoming. (Sec. 7 (a), 49 Stat. 1; sec. 4 (a), 55 Stat. 498; 56 Stat. 768; 15 U. S. C. Sup. 713 (a), 713a-8)

Issued: November 7, 1946.

[SEAL]

RALPH S. TRIGG,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 46-20285; Filed, Nov. 13, 1946; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1946-47 FISCAL PERIOD

On October 19, 1946, notice of proposed rule making was published in the FEDERAL REGISTER (11 F. R. 12309) regarding the budget of expenses and the fixing of the rate of assessment for the 1946-47 fiscal period under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 933.201 *Budget of expenses and rate of assessment for the 1946-47 fiscal period.* (a) The expenses necessary to be incurred by the Growers Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1946, and ending July 31, 1947, both dates inclusive, of the Growers Administrative

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¹ E. O. 9802.

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Committee and the Shippers Advisory Committee, established under the aforesaid amended marketing agreement and order, will amount to \$34,000.00, and the rate of assessment to be paid by each handler shall be two mills (\$0.002) per standard packed box of fruit shipped by such handler during the said fiscal period; and such rate of assessment is hereby approved as each handler's pro rata share of the aforesaid expenses.

(b) It is hereby further found and determined that compliance with the effective date requirements of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong.) is impracticable, unnecessary, and contrary to the public interest, in that: (1) the rate of assessment is applicable, pursuant to the amended marketing agreement and order, to all shipments of oranges, grapefruit, and tangerines made during the fiscal period beginning August 1, 1946, and ending July 31, 1947, both dates inclusive; (2) the expenses of operating this regulatory program since August 1, 1946, have, in accordance with the applicable provisions of the amended marketing agreement and order, been paid with funds representing advance credits on handlers' accounts against the operations of the 1946-47 fiscal period; (3) all funds representing such advance credits have already been expended; and (4) in order for the regulatory assessments to be collected, it is essential that the specification of the assessment rate be issued immediately so as to enable the Growers Administrative Committee and the Shippers Advisory Committee to perform their respective duties and functions under the aforesaid amended marketing agreement and order.

(c) As used herein, the terms "standard packed box," "handler," "shipped," and "fruit" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 8th day of November 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-20322; Filed, Nov. 13, 1946;
8:45 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63-16]

PART 1596—FOOD IMPORTS

REVISION OF APPENDIX A

Pursuant to the authority vested in me by War Food Order No. 63, as amended (10 F. R. 8950; 11 F. R. 2630), Appendix A to said order is hereby revised as follows:

1. By adding the footnote reference number "5" after the following listed items:

Food	Commerce class. No.	Governing date
Fish, other canned: ^{1,2} In oil or in oil and other substances. Not in oil, or in oil and other substances.	0066.600-0066.700 incl. 0067.900.....	Feb. 15, 1945
Herring, canned, smoked or kippered or in tomato sauce. ^{1,2}	0067.600.....	Do.
Sardines, in oil or in oil and other substances. ^{1,2}	0063.200, 0063.300	Nov. 13, 1944
Sardines, and other herring, canned (including snacks, tidbits, rollmops and sprats). ^{1,2}	0067.700.....	Feb. 15, 1945

2. By adding immediately after footnote reference number "4" the following new footnote: "5" Except if produced in Norway.

This amendment shall become effective at 12:01 a. m., e. s. t., November 8, 1946.

(E. O. 9280, December 5, 1942, E. O. 9577, July 1, 1945; 7 F. R. 10179; 10 F. R. 8087)

Issued this 7th day of November 1946.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 46-20286; Filed, Nov. 13, 1946;
8:46 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 204—RESERVES OF MEMBER BANKS

BALANCES DUE TO OR FROM BANKS IN TERRITORIES

The following interpretation under this part relating to reserves of member banks was issued by the Board on September 16, 1946:

§ 204.101 *Balances due to or from banks in territories.* Demand deposits of banks in territorial or insular possessions of the United States should be treated as deposits of banks in the United States and reported in condition reports submitted by State member banks under "deposits of banks in the United States" rather than under "deposits of banks in foreign countries". Balances with banks in territorial or insular possessions should also be treated as balances with banks in the United States in reports of condition and of deposits for reserve computation purposes. (Sec. 11 (c), (e), (i), 38 Stat. 262; sec. 10, 40 Stat. 239; sec. 4, 40 Stat. 970; sec. 207, 49 Stat. 706; sec. 324, 49 Stat. 714; 56 Stat. 647; 57 Stat. 65; 12 U. S. C. 248 (c), (e), (i), 462, 466, 12 U. S. C. Sup. 462a-1, 462b, 464)

[SEAL] BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 46-20277; Filed, Nov. 13, 1946;
8:45 a. m.]

PART 222—CONSUMER CREDIT

FLOOR FURNACES

The following interpretation under this part relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on September 12, 1946:

§ 222.101 *Floor furnaces as "listed articles."* Several questions have been received concerning the applicability of this part to credit extended for certain types of heating equipment sometimes called "floor furnaces."

One of the questions is whether Amendment No. 20 (11 F. R. 6963) which limited the exemption for repairs and improvements to those not incorporating any listed article would modify the Board's ruling, which appeared in the 1946 Federal Reserve Bulletin for January at page 29, that credit for a "floor furnace" would be exempt if the equipment is affixed to the structure so as to become an "alteration or improvement" upon the realty. The answer is that Amendment No. 20 (11 F. R. 6963) makes the 1946 ruling obsolete and the credit is subject to this part if the "floor furnace" is a listed article, i. e., is a heating stove or space heater.

A related question is how to determine whether a given make of "floor furnace" is included in the classification "space heaters." Rulings of the Board appearing in the 1941 Federal Reserve Bulletin for October at page 979 outline the general characteristics of the space heater category and classify gas-fired floor furnaces as space heaters. The determining factor in these cases is whether or not the heating unit is designed to transmit the heat directly to the space to be heated or to transmit the heat by one or more pipes or ducts. All of the models of heating equipment called "floor furnaces" which have been described to us provide for direct transmission and accordingly are space heaters subject to this part. (Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966; sec. 2, 48 Stat. 1; sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a); 50 U. S. C. Sup., App. 616, 617; E. O. 8843, August 9, 1941; 6 F. R. 4035)

[SEAL] BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 46-20281; Filed, Nov. 13, 1946;
8:45 a. m.]

PART 222—CONSUMER CREDIT

RENEWAL OF SINGLE-PAYMENT LOANS UNDER \$2,000

The following interpretation under this part relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on September 19, 1946:

§ 222.102 *Renewal of single-payment loans under \$2,000.* Several inquiries have been received as to the effect of Amendment No. 21 (11 F. R. 9013) to this part, which changed the figure in § 222.7 (c) from \$1,500 to \$2,000. This part, by its terms, now applies to the re-

newal of a single-payment loan originally in an amount exceeding \$1,500 but not exceeding \$2,000, even though the loan was made prior to September 3, 1946, the effective date of Amendment No. 21 (11 F. R. 9013). (Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966; sec. 2, 48 Stat. 1; sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a) and Sup.; 50 U. S. C. App. 616, 617; E. O. 8843, dated August 9, 1941; 6 F. R. 4035)

[SEAL] BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 46-20276; Filed, Nov. 13, 1946;
8:47 a. m.]

PART 222—CONSUMER CREDIT
WATER HEATERS

The following interpretation under this part relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on September 19, 1946.

§ 222.103 *Water heaters.* By Amendment No. 16 (10 F. R. 6366), which became effective June 11, 1945, water heaters designed for household use, formerly listed as Item 38 under Group A in § 222.13, were deleted from the classification of listed articles. However, the list still includes "electric appliances, not elsewhere listed, designed for household or personal use." Although this classification might possibly be regarded as including electric water heaters, the Board has ruled that all types of water heaters whether gas or electric are no longer listed articles. (Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966; sec. 2, 48 Stat. 1; sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a); 50 U. S. C. Sup., App. 616, 617; E. O. 843, August 9, 1941; 6 F. R. 4035)

[SEAL] BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 46-20278; Filed, Nov. 13, 1946;
8:45 a. m.]

PART 222—CONSUMER CREDIT
KITCHEN CABINETS

The following interpretation under this part relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on October 1, 1946:

§ 222.104 *Kitchen cabinets.* The Board has been asked for advice as to whether the Board's ruling that kitchen cabinets are listed articles in the classification "Household Furniture", under § 222.13 (a), is intended to apply only to portable kitchen cabinets and not to prefabricated kitchen cabinets which are permanently installed by fastening to the wall and floor of existing structures. The inquiry was made in view of § 222.8 (a) (2), as amended effective

July 5, 1946, which makes repairs, alterations, or improvements in connection with existing structures subject to this part if they incorporate any listed article. The Board's ruling was intended to apply to both types of kitchen cabinets. It is not believed practicable to distinguish between portable kitchen cabinets and prefabricated ones permanently installed, because in many cases this distinction would depend on the kind of installation, which the vendor might not know, rather than upon the design of the cabinet itself. (Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966; sec. 2, 48 Stat. 1; sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a); 50 U. S. C. Sup., App. 616, 617; E. O. 8843, August 9, 1941; 6 F. R. 4035)

[SEAL] BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 46-20279; Filed, Nov. 13, 1946;
8:46 a. m.]

PART 222—CONSUMER CREDIT
"JEEP" STATION WAGON

The following interpretation under this part relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on October 1, 1946:

§ 222.105 *"Jeep" station wagon.* The Board has recently had its attention directed to the so-called "Jeep" station wagon and has ruled that it is to be considered an automobile for purposes of this part. An earlier ruling of the Board which stated that neither military nor civilian jeeps are classified as automobiles, referred to "jeeps" as a type of vehicle (not as a trade-mark) and remains in effect. (Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966; sec. 2, 48 Stat. 1; sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a); 50 U. S. C. Sup., App. 616, 617; E. O. 8843, August 9, 1941; 6 F. R. 4035)

[SEAL] BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 46-20280; Filed, Nov. 13, 1946;
8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51565]

PART 3—DOCUMENTATION OF VESSELS
SURRENDER OF PERMANENT DOCUMENTS

Section 3.26, Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.26), as amended by T. Ds. 51049 and 51414, is hereby further amended by deleting the parenthetical matter at the end of paragraph (d) and by adding the following new paragraph:

§ 3.26 *Surrender of permanent documents.* * * *

(e) When a document is surrendered incident to the sale or other transfer of a vessel to an alien, if such transfer has been approved by the United States Maritime Commission in accordance with the requirements of law, the following certificate shall be issued by the collector of customs concerned upon the presentation of the bill of sale or other evidence covering the transfer:

I, _____, collector of customs for the port of _____, State of _____, United States of America, do hereby certify that _____ No. _____, issued at _____ on _____ to the _____, official number _____, was this day surrendered at this port upon the transfer of the vessel to a subject of _____, which transfer was authorized by the United States Maritime Commission under its Transfer Order No. C-_____, dated _____.

As witness my hand this _____ day of _____, 19____.

(Signed) _____
Collector of Customs

(R. S. 161, sec. 2, 23 Stat. 118, R. S. 4146, as amended, R. S. 4160, 4170, as amended, R. S. 4322, 4325, as amended, sec. 30, subsec. 0 (a), 41 Stat. 1004, sec. 204, 49 Stat. 1987; 5 U. S. C. 22, 46 U. S. C. 2, 23, 30, 39, 264, 267, 961 (a), 1114. Sec. 102, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: November 7, 1946.

O. MAX GARDNER,
Acting Secretary of Treasury.

[F. R. Doc. 46-20292; Filed, Nov. 13, 1946;
8:50 a. m.]

[T. D. 51565]

PART 53—IMPORTATION FREE OF DUTY OF
FOOD, CLOTHING, AND MEDICAL, SURGICAL
AND OTHER SUPPLIES UNDER EMERGENCY
PROCLAMATION OF THE PRESIDENT

EMERGENCY; FREE ENTRY OF TIMBER, LUMBER AND LUMBER PRODUCTS

Timber, lumber, and lumber products designated and certified by Housing Expediter to be admitted free under regulations pursuant to proclamation of the President under section 318, Tariff Act of 1930.

§ 53.3 *Timber, lumber, and lumber products specified by Housing Expediter admissible free of duty and import tax.*

(a) Pursuant to the authority contained in the proclamation of the President dated October 25, 1946 (Proclamation 2708, 11 F. R. 12695), collectors of customs are hereby authorized to admit free of duty, and import taxes provided for in section 3420, Internal Revenue Code, if entered for consumption or withdrawn from warehouse for consumption on and after the date of the proclamation and until the termination of the provisions of the Veterans' Emergency Housing Act of 1946, or until the President shall have declared that the emergency declared in the proclamation has terminated, whichever shall first occur, the classes of timber, lumber, and lumber products set

forth in the following list¹ which have been designated and certified by the Housing Expediter as timber, lumber, or lumber products suitable for the construction and/or completion of housing accommodations:

1. Sawed lumber and timber, not specially provided for; all the foregoing, if of fir, spruce, pine, hemlock, or larch, classifiable under paragraph 401, Tariff Act of 1930, and section 3424, Internal Revenue Code.

2. Maple (except Japanese maple), birch and beech: Flooring, classifiable under paragraph 402, Tariff Act of 1930.

3. Plywood, classifiable under paragraph 405, Tariff Act of 1930.

4. Packing boxes (empty), and packing box shooks, of wood, not specially provided for, classifiable under paragraph 407, Tariff Act of 1930.

5. Red cedar shingles, such as are provided for in paragraph 1760, Tariff Act of 1930, and subject to duty under the act of July 1, 1940 (19 U. S. C. 1332a).

6. Sawed lumber and timber, not further manufactured than planed, and tongued and grooved, all the foregoing not specially provided for, classifiable under paragraph 1803, Tariff Act of 1930, and section 3424, Internal Revenue Code.

(b) The Housing Expediter may designate and certify under the proclamation other articles or classes of articles, such as millwork as defined in Civilian Production Administration Order L-359, paragraph (b) 5, of October 18, 1946, prefabricated and ready-cut houses, portable houses, prefabricated panels for houses, and panelized parts, all the foregoing in chief value of wood. In such an event, the Housing Expediter will forward his certificate to the Secretary of the Treasury and the list in Paragraph (a) of this section will be amended, or he will forward a certificate covering each entry directly to the collector of customs. Collectors of customs are hereby authorized to grant entry free of duty, and import taxes provided for in section 3420, Internal Revenue Code, to articles covered by such certificates when the articles are entered for consumption or withdrawn from warehouse for consumption during the period prescribed in paragraph (a) of this section.

(c) The usual procedure provided for in the Customs Regulations of 1943 (19 CFR, Cum. Supp., Chapter I), as amended, shall be followed in connection with entries covering articles within the scope of the proclamation, except that the liquidation of such entries covering articles not included in the list in paragraph (a) of this section shall be suspended for a period of 45 days after the date of filing if they bear a notation in substantially the following language: "Suspend liquidation; certification under Proclamation No. 2708 applied for." When a certificate of the Housing Expediter designating the merchandise in accordance with the proclamation is not received within the 45-day period, the entry shall be liquidated in the usual course of business, except that the collector may grant extensions of the period for such further periods and under such circumstances as he may deem appropriate, and that a certificate received

after the 45-day period but before the liquidation of an entry shall be accepted as the basis for free entry under the authorization contained in paragraph (b) of this section.

(d) The import tax prescribed in sections 3420 and 3425, Internal Revenue Code, for articles dutiable under the Tariff Act of 1930, containing 4 percent or more of copper by weight, but which are not in chief value of copper, is not applicable to articles in chief value of wood which are certified pursuant to this section.

(e) As time is an important factor in efforts to cope with the housing emergency, publication of notice and public procedure, as provided for in the Administrative Procedure Act (Public Law No. 404, 79th Congress), are found to be impracticable.

(Sec. 318, 46 Stat. 696; 19 U. S. C. 1318. Proc. 2708, Oct. 25, 1946; 11 F. R. 12695)

[SEAL] O. MAX GARDNER,
Acting Secretary of the Treasury.

[F. R. Doc. 46-20291; Filed, Nov. 13, 1946; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 408]

PART 401—GENERAL TRANSPORTATION

It is hereby ordered, That §§ 401.09-1, 401.09-3 and 401.09-4 (10 F. R. 8424) be revoked.

Effective: October 28, 1946.

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, 643, 647; 12 U. S. C. and Sup. 1463; E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 46-20303; Filed, Nov. 13, 1946; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TERMINAL DATE FOR FILING APPLICATION FOR PAYMENT CERTIFICATE UNDER SECTION 124 (H) OF INTERNAL REVENUE CODE

CROSS REFERENCE: For the amendment of Executive Order 9491 adding the terminal date of Dec. 31, 1946, for filing application for payment certificate, see Executive Order 9802, *supra*.

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amtd. 268]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodities are hereby added to the list of commodities:

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
602000	Steel bars, cold finished, non-alloy, 1 inch and under only.	Lb...	100	25
602100	Iron bars, 1 inch and under only.	Lb...	1002	25

2. The following commodities are hereby deleted from the list of commodities:

Dept. of Comm. Sched. B No.	Commodity
319900	Cotton manufactures: Fish netting, tarred or not tarred (not a finished product).
391800	Miscellaneous textile products: Waterproof outer garments of cotton and part cotton only. Other nonmetallic minerals, including precious:
540998	Abrasives: Corundum.
551000	Unmanufactured mica (unprocessed block mica, including thumb-trimmed, knife-trimmed and sickle-trimmed).
551300	Mica, block pack splittings and good stained and better block or film. Precious metals and plated ware, except jewelry and precious metals for dentistry, gold and silver in ore, bullion and coin: Silver, in bars or ingots. ¹

¹No Schedule B number is assigned to this commodity. Silver bars and ingots are not included in the merchandise total of United States foreign trade statistics but are shown in separate tables.

Shipments of the commodities added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective immediately except that with respect to commodities added to the list of commodities it shall become effective November 18, 1946.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; E. O. 9630, Sept. 27, 1945; 10 F. R. 12245)

Dated: November 5, 1946.

JOHN C. BORTON,
Director,
Commodities Branch.

[F. R. Doc. 46-20283; Filed, Nov. 13, 1946; 8:51 a. m.]

[Amtd. 267]

PART 818—CONSOLIDATED LICENSE FOR TEXTILES

CLEARANCE FOR EXPORT

Section 818.2 *Clearance for export* is amended by adding thereto paragraph (c) as follows:

¹The fact that rates of duty on articles covered by the list have been reduced pursuant to trade agreements is immaterial for the purposes of this section.

(c) When clearing shipments under a consolidated license for textiles, the exporter shall declare on the Shipper's Export Declaration the following cotton fabricated and mill-finished products in terms of "square yards" as well as in other units of quantity required by the regulations of the Bureau of the Census:

Commodity	Schedule B No.
Handkerchiefs	309000
Raincoats	391800
Other fabricated cotton products (including mill-finished products licensed as piece goods, such as diapers, blankets, bed sheets, and pillow cases)	311300-318900

This amendment shall become effective on November 22, 1946.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; E. O. 9630, Sept. 27, 1945; 10 F. R. 12245)

Dated: November 4, 1946.

JOHN C. BORTON,
Director,
Commodities Branch.

[F. R. Doc. 46-20282; Filed, Nov. 13, 1946;
8:51 a. m.]

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1016]

PHILIP H. MARCELL

Philip H. Marcell, 456 North Street, Burlington, Vermont, was authorized on Form CPA-4423 by the Civilian Production Administration to construct an office and truck terminal at a cost of \$25,000, and located on Shelburne Road, South Burlington, Vermont. On or about July 1, 1946, Philip H. Marcell began construction of a garage adjoining the terminal and office, the construction of which was not authorized as part of the above terminal and office project. The beginning and carrying on of the construction of the garage at a cost in excess of the \$1,000 limit permitted by Veterans Housing Program Order I, constituted a wilful violation of that order. This violation diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1016 *Suspension Order No. S-1016.* (a) The temporary suspension order issued by telegram dated September 20, 1946, against Philip H. Marcell is hereby revoked.

(b) Neither Philip H. Marcell, his successors or assigns, nor any other person shall do any construction on the premises located on Shelburne Road, South Burlington, Vermont, except such construction on the office and terminal as has been specifically authorized by Form CPA-4423 Serial No. 1-7-186, dated June 26, 1946, or unless otherwise specifically authorized in writing by the Civilian Production Administration.

(c) Philip H. Marcell shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Philip H. Marcell, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 12th day of November 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-20371; Filed, Nov. 12, 1946;
4:31 p. m.]

PART 1010—SUSPENSION ORDER

[Suspension Order S-1018]

NICHOLAS DELTUFO, JR.

Nicholas DelTufo, Jr., of 402 North 7th Street, Newark, New Jersey, on or about April 19, 1946, without authorization from the Civilian Production Administration, began the construction of a residence at 1601 Grand Central and Virginia Avenues, Lavalette, New Jersey, at an estimated cost of \$5,500, which constituted a violation of Veterans' Housing Program Order No. 1. Subsequent to the issuance of a telegram by the Regional Compliance Manager on June 3, 1946 directing the stoppage of unauthorized construction, Nicholas DelTufo, Jr., without authorization from either the Civilian Production Administration or the Federal Housing Administration resumed construction on August 6, 1946. The carrying on of this construction, with the knowledge of the order, constituted a wilful violation of Veterans' Housing Program Order No. 1. These violations have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1018 *Suspension Order No. S-1018.* (a) Neither Nicholas DelTufo, Jr., his successors or assigns, nor any other person shall do construction on the premises located at 1601 Grand Central and Virginia Avenues, Lavalette, New Jersey, including completing, putting up or the altering of any structure located thereon, unless hereafter specifically authorized in writing by the

Civilian Production Administration or the Federal Housing Administration.

(b) Nicholas DelTufo, Jr., shall refer to this order in any application or appeal which he may file with the Civilian Production Administration, or the Federal Housing Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Nicholas DelTufo, Jr., from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 12th day of November 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-20372; Filed, Nov. 12, 1946;
4:31 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1019]

MORRIS WARREN AND ANNA WARREN

Morris Warren and Anna Warren, 1659 East 79th Street, Cleveland, Ohio, began in July, 1946, without authorization from the Civilian Production Administration, the alteration, remodeling, and repair of a residential dwelling located at 1659 East 79th Street, Cleveland, Ohio, the estimated cost of which was in excess of \$400.00 in violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1019 *Suspension Order No. S-1019.* (a) Neither Morris Warren nor Anna Warren, their successors and assigns, nor any other person, shall do any further construction, repair or make additions or alterations, on the residential dwelling at 1659 East 79th Street, Cleveland, Ohio, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Morris Warren and Anna Warren shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance.

(c) Nothing contained in this order shall be deemed to relieve Morris Warren and Anna Warren, their successors and assigns, from any restrictions, prohibition or provision contained in any other order or regulation of the Civilian Production Administration except insofar as the same may be inconsistent with the provisions hereof.

Issued this 12th day of November 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-20370; Filed, Nov. 12, 1946;
4:31 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 16, as Amended Nov. 13, 1946]

URGENCY CERTIFICATES FOR SURPLUS MATERIALS AND EQUIPMENT

The following direction is issued pursuant to Priorities Regulation 13:

(a) *What this direction does.* There is an urgent need for materials and equipment required in essential reconversion programs and many of these are not readily obtainable in sufficient quantities from new production. This direction describes how a person meeting the criteria described below may apply for a Civilian Production Administration Urgency Certificate which may help him to acquire surplus materials or equipment from the War Assets Administration if the material or equipment is available in surplus. Preference ratings have no effect on sales by WAA either by way of obliging it to sell or by way of determining as among several buyers who shall get the material or product. The urgency certificates issued under this direction are not preference ratings and may not be used to obtain materials or equipment from new production.

Housing Expediter Priorities Regulation 4 explains when the Housing Expediter may issue Housing Expediter certificates for surplus materials and equipment for the Veterans' Emergency Housing Program. CPA Urgency Certificates will not be issued to persons eligible for assistance under Housing Expediter Priorities Regulation 4.

(b) *How to apply for an urgency certificate.* Application for a Civilian Production Administration urgency certificate to acquire government owned surplus material or equipment should be made on Form CPA-4425, addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR-13, Direction 16. Form CPA-4425 can be obtained from the Civilian Production Administration, Washington 25, D. C., or Civilian Production Administration District Construction Offices. In those cases where a certification from another Government agency is required as described in paragraph (c) (1) (ii), such certification should accompany the application when filed with the Civilian Production Administration.

(c) *When the Civilian Production Administration may issue urgency certificates.* (1) It is the general policy of the Civilian Production Administration not to grant urgency certificates for Government-owned surplus property. However, if an applicant has been unable to obtain the material or equipment from new production as soon as required, the Civilian Production Administration may in limited cases grant such certificates good for 60 days for items of materials or equipment needed to support essential production under the following conditions:

(i) The material or equipment is required to sustain or increase his production of products listed in Schedule I of Priorities Regulation 28 (except products which are also listed in the table of Critical Products at the end of Housing Expediter Priorities Regulation 4), and priorities assistance would be given to obtain the particular item or items from new production. (Persons eligible for assistance under Housing Expediter Priorities Regulation 4 should apply to the appropriate Regional Housing Expediter or the Housing Expediter in accordance with that regulation.); or

(ii) The material or equipment is needed by a war contractor for production which cannot be deferred without serious results to the defense program or to the health and welfare of the enlisted personnel. In this

case a certification from the War or Navy Department or the Maritime Commission recommending the issuance of a Civilian Production Administration urgency certificate is required.

(iii) In certain other exceptional cases (other than cases related to the Veterans' Housing Program) CPA may issue urgency certificates for surplus equipment or materials absolutely necessary for critical services or production. Such exceptions will be held to a minimum.

(2) If a CC rating has already been assigned or an application has already been submitted for a rating and the desired material or equipment is not obtainable from new production as soon as required, an urgency certificate may be issued in place of the rating if the applicant meets the criteria stated in paragraph (c) (1). A request to substitute an urgency certificate under this direction for a rating may be made by letter addressed to Civilian Production Administration, Washington 25, D. C., Ref: PR-13, Direction 16, instead of using CPA-4425.

(3) The Civilian Production Administration will carefully screen all requests and issue urgency certificates only when in its judgment such action is deemed necessary in the interests of the overall reconversion. Urgency certificates will not be issued to any applicant for more materials than the quantity which he will require to meet his current or scheduled operations during the 60 days immediately following the date of the application, less the amount he has on hand and expects to receive from other sources during that period.

(4) No urgency certificates will be issued or renewed for any item listed in the table at the end of WAA Regulation 2 "Property to be set aside for Veterans" unless the listing shows that only a stated percentage of the available supply is to be set aside for veterans. In the latter case as explained in paragraph (e) no urgency certificate is valid against the percentage set aside for veterans.

(d) *How to use an urgency certificate.* If a CPA urgency certificate is issued the original will be sent to the applicant and two copies to the WAA regional office having jurisdiction over the region in which the applicant has stated the material or equipment will be used. The certificate will indicate to WAA the WAA regions in which the search for the materials or equipment is to be made. When a regional office of WAA has located the desired equipment it will notify the holder of the certificate to present his certificate to that office, together with his regular order or bid, as requested by WAA. CPA urgency certificates are good only for government property which has been declared surplus to WAA and will cover material or equipment of the type requested or equivalent material or equipment.

(e) *Effect of urgency certificates on WAA.* (1) Unless CPA specifically directs otherwise the regional office of WAA must give precedence to holders of CPA urgency certificates over any other class of buyers (except holders of Housing Expediter certificates) in selling any surplus materials or equipment of the type covered by unexpired urgency certificates which have been filed with it, or of which it has been notified by another regional office. The relative precedence among holders of CPA urgency certificates and Housing Expediter certificates will be determined by the WAA regional offices based on the order of receipt of the certificate by the par-

ticular regional office or receipt of a notice from another regional office of its receipt of the certificate. CPA urgency certificates are not valid against any particular lot of materials or equipment which WAA has advertised or publicly offered for sale or which it has set aside for veterans. Also they are not valid against any particular lot of materials or equipment which is covered by a directive issued by the Housing Expediter. The price and terms of sale of specific materials or equipment to a holder of an urgency certificate will be determined by WAA. However, in view of the conditions under which CPA urgency certificates are issued, WAA is required to effect the transaction as quickly as possible. If the sale is made through a dealer, WAA will designate the certificate holder who is to receive the material or equipment, and the dealer must give WAA a certification in substantially the following form:

The undersigned certifies to the seller and to the Civilian Production Administration, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code that he will resell promptly the material or equipment obtained with this certificate to _____ (insert name of urgency certificate holder designated by WAA).

The standard certification described in Priorities Regulation 7 may not be used instead of this certification. Any person giving the certification described above must dispose of the material or equipment he gets with it in accordance with its terms.

(2) If a holder of an urgency certificate is unwilling or unable to meet the price and terms of sale determined by WAA, it is not required to make the sale.

(f) *Expiration of urgency certificates.* Every CPA urgency certificate expires 60 days after its issuance unless renewed. If any person to whom an urgency certificate has been issued is unable to obtain the material or equipment covered by the certificate 15 days before it expires he may file an application on Form CPA-4425 for renewal. CPA may issue a renewal notice if the applicant still meets the criteria described in paragraph (c).

(g) *Effect of this direction on other directions to Priorities Regulation 13.* Certain other directions issued pursuant to Priorities Regulation 13 limit sales of specific materials to buyers who certify that they will use the material for a particular purpose. Notwithstanding the provisions of any such directions, holders of urgency certificates for materials of the type covered by these directions may acquire such materials and their purchase orders take precedence over buyers eligible to purchase under the terms of the directions.

Issued this 13th day of November 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,

By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-20385; Filed, Nov. 13, 1946; 11:27 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 22]

ASSIGNMENT OF CC RATINGS FOR FREIGHT CARS

The following direction is issued pursuant to Priorities Regulation 28:

(a) *What this direction does.* The supply of freight cars is substantially less than

the present anticipated requirements of shippers, and this shortage is so serious as to threaten the peacetime production in industries which are dependent on railroad freight cars for the movement of their products. This shortage is, therefore, a serious threat to the economy of the country during the reconversion period. Railroad car lumber is a bottleneck in the maintenance, repair and manufacture of railroad cars. Consequently, this direction explains when the Civilian Production Administration may assign CC ratings for railroad car lumber for the maintenance and repair or manufacture of railroad freight cars (within a total limited amount as established by the Office of Defense Transportation and the Civilian Production Administration) in accordance with paragraph (d) (1) of Priorities Regulation 28, and in addition to the types of cases covered by paragraphs (e) through (h) of Priorities Regulation 28.

(b) *Definitions.* "Railroad car lumber" for the purpose of this direction means Douglas Fir, Western Hemlock and White Fir lumber specified in West Coast Lumbermen's Association Standard Specifications for Railroad and Car Material, paragraphs 221, 226, 227, 229, 230, 232, 233, 237, 238, 240, 241, 242, 243, 245, 246, 247, 249, 250, 251, 252, 254, 255, and those items in paragraphs 222, 223 and 224, which are suitable for car building and repair.

(c) *Assignment of ratings.* Under the conditions stated in paragraph (d) (1) of Priorities Regulation 28, CC ratings may be assigned pursuant to application on Form CPA-541-A for railroad car lumber to railroads, persons who repair railroad freight cars and to railroad freight car manufacturers where needed for the maintenance and repair and for the manufacture of railroad freight cars.

Issued this 13th day of November 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-20384; Filed, Nov. 13, 1946;
11:27 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[General Conservation Order M-85,
Revocation]

KAPOK

Section 3290.331 General Conservation Order M-85, and all authorizations, allocations, and other instruments addressed to named persons pursuant to that order, are revoked. These revocations do not affect any liabilities incurred for violation of the order, or for violation of actions taken by the War Production Board or the Civilian Production Administration under the order.

Issued this 13th day of November 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-20386; Filed, Nov. 13, 1946;
11:27 a. m.]

PART 910—CERTIFICATION WITH RESPECT TO TAX AMORTIZATION DEDUCTIONS

CROSS REFERENCE: For the amendment of Executive Order 9491 adding the ter-

minal date of Dec. 31, 1946, for filing application for payment certificate, see Executive Order 9802, *supra*.

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[SO 193]

EXEMPTION FROM PRICE CONTROL OF ALL COMMODITIES EXCEPT SUGAR AND RICE

SECTION 1. *Commodities exempt.* All commodities (including services) are exempt from price control except:

(a) Sugar and sugar solutions derived from sugar cane or sugar beets, including all grades of edible syrups and molasses, and blackstrap molasses (imported and domestic);

(b) Corn syrup and corn sugar (imported and domestic);

(c) Blended syrups (imported and domestic) which contain at least 20% by weight or volume of sugar, sugar solutions, corn syrup or corn sugar, either singly or in combination; and

(d) Rice, rough and milled (imported and domestic).

SEC. 2. *Preservation of records.* Records shall be preserved as provided by Supplementary Order 189.

SEC. 3. *Stabilization Act of 1942, as amended.* This order does not affect the notice requirements of section 1 of the Stabilization Act of 1942, as amended, applicable to common carriers and other public utilities.

This Supplementary Order No. 193 shall become effective as of 12:01 a. m. November 10, 1946.

Issued this 12th day of November 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-20381; Filed, Nov. 13, 1946;
10:46 a. m.]

PART 1383—SHOE AND SHOE FINDINGS

[MPR 420, Amdt. 8]

HARDWOOD HEEL BLOCKS, FINISHED HARD- WOOD AND SYNTHETIC HARDWOOD HEELS AND WOOD SHANKS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 420 is amended in the following respects:

1. The fifth undesignated paragraph of section 2 (a) which begins with the words "Custom finished hardwood heel" means a hardwood heel . . ." is amended to read as follows:

"Custom finished hardwood heel" means a finished hardwood heel which is generally sold in small quantities and contains unusual details of style and workmanship, and is generally known in the trade as a "custom heel."

2. The fifth sentence of section 3 (a) which begins with the words "The prices under Column III . . ." is amended to read as follows:

The prices under Column III apply to all custom finished hardwood heels.

This amendment shall become effective as of November 8, 1946.

Issued this 12th day of November 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations In- volved in the Issuance of Amendment No. 8 to Maximum Price Regulation 420

The accompanying amendment, establishing maximum prices for custom finished hardwood heels produced outside of Brooklyn and Rochester, New York, is intended to benefit custom heel producers who have been operating under adjustable pricing agreements authorized by this office pending consideration of this action.

Under the original terms of the regulation, the only custom heels recognized were those produced in Brooklyn and Rochester, New York, and only such heels were authorized to use the maximum prices established for custom heels. Custom heels produced elsewhere were priced under the volume hardwood heel provisions. The maximum prices established for custom heels produced in Brooklyn and Rochester, New York, are in line with the ceilings established therefor under the General Maximum Price Regulation and reflect the historical differentials between such heels and standard or volume finished hardwood heels corresponding in measurement. The regulation did not recognize or establish differentials for custom heels produced at points other than at the two designated localities because information available to the Office at that time indicated that the volume of custom heels produced outside of Brooklyn and Rochester, New York, was negligible. It was believed that for this negligible amount of heels that the use of the maximum prices established under the regulation for standard or volume finished hardwood heels, representing a general increase over their General Maximum Price Regulation prices, would cause no hardship.

However, information obtained since that time has shown that a larger quantity of these heels is produced at points outside of Brooklyn and Rochester, New York, than first appeared and that the maximum prices established therein have caused hardship to a number of manufacturers of such custom heels. Pending action to provide some measure of relief to this segment of the industry, a few orders were issued by the OPA to certain sellers who qualified which authorized such producers to sell and deliver custom heels to an adjustable pricing agreement with purchasers thereof. This Amendment makes available to all producers of custom finished hardwood heels the same maximum prices now in effect for such heels produced in Brooklyn and Rochester, New York, by removing the locality restriction in the definition of "custom finished hardwood heel."

In the opinion of the Administrator, this action will remove any hardships with respect to custom heel producers

outside of Brooklyn and Rochester, New York, and will establish for those producers who have been authorized by this Office to enter into an adjustable pricing agreement for the sale or delivery of custom finished hardwood heels a maximum price which is retroactively effective for the period of the adjustable pricing order.

[F. R. Doc. 46-20375; Filed, Nov. 12, 1946; 4:39 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1625]

PART 147—EXCHANGES BY STATES UNDER TAYLOR GRAZING ACT

LANDS WHICH MAY BE OFFERED IN EXCHANGE

The last paragraph of § 147.2 (11 F. R. 7434) is amended to read as follows:

§ 147.2 *Lands which may be offered in exchange.* * * *

State-owned lands, as well as school sections surveyed and unsurveyed the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district. Where the selected lands are within a grazing district, lands within such reservations or withdrawals may be offered as a basis for an exchange only if the Secretary of the Interior determines that the exchange would not interfere with the administration or value of the remaining lands in the grazing district for grazing purposes.

(Sec. 8, 48 Stat. 1269; sec. 3, 49 Stat. 1976; 43 U. S. C. Sup., 315g)

FRED W. JOHNSON,
Acting Director.

Approved: November 1, 1946.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 46-20162; Filed, Nov. 13, 1946; 8:47 a. m.]

[Circular 1626]

PART 196—PHOSPHATE LEASES

NOTICE OF LEASE OFFER

The first sentence of § 196.9 (9 F. R. 5738) of Title 43 of the Code of Federal Regulations is hereby amended to read as follows:

§ 196.9 *Notice of lease offer.* Notice of the offer of lands or deposits for lease will be given by publication once a week for five consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated, or in such other publications as the Director, Bureau of Land Management, may authorize.

No. 222—2

(Secs. 9-12, 41 Stat. 440, 441; 30 U. S. C. 211-214)

FRED W. JOHNSON,
Acting Director.

Approved: November 4, 1946.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 46-20273; Filed, Nov. 13, 1946; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 620, Amdt. 1]

PART 95—CAR SERVICE

LIGHT-WEIGHING OF BOX CARS AT BOSTON PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of November A. D. 1946.

Upon further consideration of Service Order No. 620 (11 F. R. 11708), and good cause appearing therefor: it is ordered, that:

Section 95.620 *Light-weighing of box cars at Boston prohibited*, of Service Order No. 620, be, and it is hereby, amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Box cars not to be light-weighed.* No common carrier by railroad, subject to the Interstate Commerce Act, shall light-weigh a box car or cars intended for loading with imported wool or Egyptian cotton at any point in the switching limits of Boston, Mass.; nor transport or move a box car light-weighed and loaded with import wool in violation of this order from any point in the switching limits of Boston, Mass.

It is further ordered, that this amendment shall become effective at 12:01 a. m., November 10, 1946; that a copy of this order and direction be served upon The New York, New Haven and Hartford Railroad Company (Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees), Boston and Maine Railroad, The New York Central Railroad Company, Union Freight Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, 485, sec. 4, 10; 54 Stat. 901, 912; U. S. C. 1 (10-IV, 15 (4))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-20304; Filed, Nov. 13, 1946; 8:45 a. m.]

Chapter II—Office of Defense Transportation

[Gen. Order ODT 16 C, Rev.]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

FREIGHT SHIPMENTS TO OR WITHIN PORT AREAS

Correction

In Federal Register Doc. 46-20154, appearing at page 13426 of the issue for Saturday, November 9, 1946, the tenth line of paragraph (b) in § 502.203 is corrected to read "§§ 502.200 to 502.204, inclusive, and said Administrative Order ODT 32."

Notices

TREASURY DEPARTMENT.

United States Coast Guard.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4481, 4482, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 375, 391a, 404, 474, 475, 481, 489, 526-526t, 50 U. S. C. 1275), and section 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals of equipment are prescribed, effective upon the date of publication in the FEDERAL REGISTER:

BUOYANT CUSHION FOR MOTORBOATS

Approval No. A-319, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Higgins Sporting Goods Company, 1536 S. Harvard, Tulsa 4, Okla.

Approval No. A-320, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Freeport Bedding Co., Inc., 211 East Merrick Road, Freeport, N. Y.

Approval No. A-321, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Aalco Manufacturing Company, 728 Dallas Drive, St. Louis County 23, Mo.

Approval No. B-354, 15' x 15' x 2' buoyant cushion, 20 ounces kapok, (covered with VU1930 or VU1940 flexible Vinylite sheeting of a thickness not less than 0.012 inch, furnished by the Bakelite Corp., New York, New York), for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Neptune Specialties, Inc., 190 Columbia Heights, Brooklyn, New York.

HAND-PROPELLING GEAR FOR LIFEBOATS

Fleming patent hand-propelling gear, Dwg. Nos. 2013 and 2015, dated 7 December 1944, submitted by Imperial Lifeboat & Davit Company, Inc., Athens, N. Y.

LIFEBOATS

26' x 8.3' x 3.58' metallic oar-propelled lifeboat, 46-person capacity, general arrangement Dwg. No. 2659, dated 5 December 1945, submitted by Lane Lifeboat

and Davit Corporation, Flushing, Long Island, N. Y.

28' x 10' x 4' steel motor-propelled lifeboat without radio cabin, 60-person capacity, general arrangement Dwg. No. G-382, dated 11 April 1946, revised 26 August 1946, submitted by C. C. Galbraith and Son, Inc., New York, N. Y.

18' x 6.5' x 2.6' steel oar-propelled lifeboat, 18-person capacity, general arrangement Dwg. No. 3121, dated 27 June 1946, revised 5 August 1946, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

26' x 8.3' x 3.6' aluminum motor-propelled lifeboat with radio cabin, 40-person capacity, general arrangement Dwg. No. 3084, dated 2 May 1946, revised 19 September 1946, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

26' x 9' x 3.83' aluminum oar-propelled lifeboat, 53-person capacity, general arrangement Dwg. No. 3083, dated 14 May 1946, revised 19 September 1946, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

30' x 9.67' x 4.17' steel hand-propelled lifeboat, 70-person capacity, general arrangement Dwg. No. 2156, dated 15 August 1946, submitted by the Imperial Lifeboat & Davit Company, Inc., Athens, N. Y.

CLEANING PROCESS FOR LIFE PRESERVERS

Opera House cleaning process for kapok life preservers submitted by Opera House Laundry, 217 N. W. Everett, Portland, Oreg.

LIFE PRESERVERS

Approval No. B-355, Model 6, child kapok life preserver, Coast Guard Specification 160.002, manufactured by Cluff Fabric Products, 457-467 East 147th St., New York, N. Y.

Approval No. B-356, Model 6, child kapok life preserver, Coast Guard Specification 160.002, manufactured by Wilber & Son, 116 New Montgomery Street, San Francisco 5, Calif.

WINCH

Welin type AHS aluminum lifeboat winch, general arrangement Dwgs. No. 2990-4 (Horizontal Winch), and No. 3046-1 (Vertical Winch), both dated 22 December 1944, working load 7,500 pounds per drum and 15,000 pounds per winch, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Dated: October 31, 1946.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 46-20302; Filed, Nov. 13, 1946;
8:47 a. m.]

DEPARTMENT OF JUSTICE.

Office of Alien Property.

[Vesting Order 7668]

FRIEDRICK HEUBECK

In re: Bank account owned by Friedrich Heubeck. F-28-7151-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Friedrich Heubeck, whose last known address is Nurnberg-Reichel, Walbaum 24, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Friedrich Heubeck, by Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, entitled Friedrich Heubeck, maintained at the branch office of the aforesaid bank located at 783 Market Street, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20305; Filed, Nov. 13, 1946;
8:51 a. m.]

[Vesting Order 7760]

META BRUNKHORST

In re: Estate of Meta Brunkhorst, deceased. File No. D-28-6677; E. T. sec. 5077.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Henry Schmedes and Bertha Schnapp, and each of them, in and to the Estate of Meta Brunkhorst, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Addresses

Henry Schmedes, Germany.
Bertha Schnapp, Germany.

That such property is in the process of administration by Walter T. Wagner, Esq., as Executor under the Will of Meta Brunkhorst, deceased, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20311; Filed, Nov. 13, 1946;
8:52 a. m.]

[Vesting Order 7710]

JOHN MANGELS

In re: Estate of John Mangels, deceased. File No. F-28-3550; E. T. sec. 4462.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Diedrich Mangels and Claus Mangels, and each of them, in and to the Estate of John Mangels, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Diedrich Mangels, Germany.
Claus Mangels, Germany.

That such property is in the process of administration by Henry Waller as Executor under the will of John Mangels, deceased, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

And determining that to the extent that such nationals are persons not within designated enemy countries, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20310; Filed, Nov. 13, 1946;
8:52 a. m.]

[Vesting Order 7684]

SAYKEE SHOJI KABUSHIKI KAISHA

In re: Debt owing to Saykee Shoji Kabushiki Kaisha. F-39-158-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Saykee Shoji Kabushiki Kaisha, the last known address of which is 7, 2 Chome Kyobashi, Kyobashi-Ku, Tokyo, Japan, is a corporation, partnership, association or other business organization,

organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Saykee Shoji Kabushiki Kaisha, by Actina, Inc., 205 East 42nd Street, New York, New York, in the amount of \$2,070.35, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20309; Filed, Nov. 13, 1946;
8:52 a. m.]

[Vesting Order 7672]

AYAO AND MIYO MATSUSHIMA

In re: Bank accounts owned by Ayao Matsushima, also known as A. Matsushima, and Miyo Matsushima, also known as Miyoko Matsushima. D-39-906-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ayao Matsushima, also known as A. Matsushima, and Miyo Matsushima, also known as Miyoko Matsushima, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ayao Matsushima, also known as A. Matsushima, by The United States National Bank, Broadway and Sixth Street at Stark, Portland, Oregon, arising out of a checking account, entitled A. Matsushima, and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation owing to Ayao Matsushima, also known as A. Matsushima, by The United States National Bank, Broadway and Sixth Street at Stark, Portland, Oregon, arising out of a savings account, Account Number 172523, entitled A. Matsushima, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Ayao Matsushima, also known as A. Matsushima, by The United States National Bank, Broadway and Sixth Street at Stark, Portland, Oregon, arising out of a savings account, Account Number 250919, entitled A. Matsushima, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ayao Matsushima, also known as A. Matsushima, a national of a designated enemy country;

3. That the property described as follows: That certain debt or other obligation owing to Miyo Matsushima, also known as Miyoko Matsushima, by The United States National Bank, Broadway and Sixth Street at Stark, Portland, Oregon, arising out of a savings account, Account Number 132073, entitled Mrs. Miyo Matsushima, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Miyo Matsushima, also known as Miyoko Matsushima, a national of a designated enemy country;

4. That the property described as follows:

a. That certain debt or other obligation of The United States National Bank,

Broadway and Sixth Street at Stark, Portland, Oregon, arising out of a savings account, Account Number 176344, entitled A. Matsushima in Trust for Miyo Matsushima, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Ayao Matsushima, also known as A. Matsushima, and Miyo Matsushima, also known as Miyoko Matsushima, by The United States National Bank, Broadway and Sixth Street at Stark, Portland, Oregon, arising out of a savings account, Account Number 262337, entitled A. Matsushima or Miyo Matsushima, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ayao Matsushima, also known as A. Matsushima, and Miyo Matsushima, also known as Miyoko Matsushima, nationals of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20308; Filed, Nov. 13, 1946;
8:52 a. m.]

[Vesting Order 7671]

TORI KIWATA ET AL.

In re: Debts owing to Tori Kiwata and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation, finding:

1. That each individual whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Japan and a national of a designated enemy country (Japan);

2. That each corporation, partnership, association or other business organization whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a corporation, partnership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations owing to the individuals and organizations listed in Exhibit A, by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, in the respective amounts appearing opposite the names of said individuals and organizations, as of December 31, 1945, arising out of collection after closing accounts, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and

when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name and last known address of creditor	Amount of debt	APC file No.
Tori Kiwata, Tokyo, Japan.	\$197.93	F-39-5081-C-1
Mieho Kono, Tokyo, Japan.	23.74	F-39-5080-C-1
Mitsubishi Shoji Kaisha, Ltd., Harbin, Manchuria.	7,326.00	F-39-143-C-1
Winckler & Co., Yokohama, Japan.	17.87	F-39-723-C-3
Settsu Button Co., Kobe, Japan.	994.22	F-39-849-C-1
Sanko & Co., Ltd., Osaka, Japan.	82.58	F-39-825-C-1
N. Mimami & Co., Kobe, Japan.	1,750.00	F-39-476-C-2
Hotel Rubber Manufacturing Co., Kobe, Japan.	2,253.70	F-39-437-C-1
J. Dabab, Kobe, Japan.	3,447.06	F-39-303-C-1
Chifune Shoten, Ltd., Tokyo, Japan.	1,462.57	F-39-281-C-1
Sasaki & Co., Kobe, Japan.	959.46	F-39-3061-C-1
Gosho & Co., Ltd., Osaka, Japan.	1,128.23	F-39-1991-C-1
Meiwa & Co., Kobe, Japan.	2,409.24	F-39-1785-C-1
Liebermann, Waelchli & Co., Tokyo, Japan.	496.63	F-39-1526-C-1
Tsurutani & Co., Kobe, Japan.	182.39	F-39-981-C-1
Toyo Buson Kabushiki Kaisha, Tokyo, Japan.	1,127.33	F-39-975-C-1
Tokio Nakai Dental Supply Co., Tokyo, Japan.	329.37	F-39-962-C-1
Osaka Marine & Fire Insurance Co., Osaka, Japan.	8.60	F-39-2746-C-1
T. Miyaoaka, Tokyo, Japan.	100.00	F-39-4121-C-1
J. Tanaka & Co., Osaka, Japan.	40.60	F-39-5073-C-1
Hoshino Gakki Ten, Nagoya, Japan.	643.00	F-39-5074-C-1
Belkoku Shoji Seisha, Kobe, Japan.	16.81	F-39-5075-C-1
Oshima & Co., Kobe, Japan.	361.90	F-39-5076-C-1
Nauri Trading Co., Ltd., Kobe, Japan.	8.91	F-39-5077-C-1
K. Matsunaga & Co., Tokyo, Japan.	844.74	F-39-5078-C-1
Marunishi Co., Ltd., Kobe, Japan.	97.32	F-39-5079-C-1
T. Kameyama & Co., Kobe, Japan.	302.94	F-39-5083-C-1
Crescent Trading Co., Kobe, Japan.	1,402.82	F-39-5085-C-1

[F. R. Doc. 46-20307; Filed, Nov. 13, 1946;
8:52 a. m.]

[Vesting Order 7670]

JULIANE HIRSCH ET AL.

In re: Debt owing to Juliane Hirsch, also known as Juliana Hirsch and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the following persons whose last known addresses are set forth opposite their names

Names and Addresses

Juliane Hirsch, also known as Juliana Hirsch, Thungen-Burgsteig, Germany.
Hans Hirsch, Walfenbuttel, Kronestrasse 27, Germany.

Dina Hirsch, Nuernberg-A, Konigstrasse 70, Germany.

Otto Hirsch, Walhalla Strasse 46, Munich 38, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Juliana Hirsch, also known as Juliana Hirsch, Hans Hirsch, Dina Hirsch and Otto Hirsch, by Workmen's Benefit Fund, 714 Seneca Avenue, Brooklyn, New York, in the amount of \$100, as of June 10, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property, and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This Order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20306; Filed, Nov. 13, 1946;
8:52 a. m.]

NAVY DEPARTMENT.

[No. 5 (a)]

AIRCRAFT CARRIERS (CV AND CVB)

NAVIGATION LIGHTS

Certificate of the Secretary of the Navy under the Act of December 3, 1945 (Public Law 239, 79th Congress).

Whereas, the act of December 3, 1945 (Public Law 239, 79th Congress) pro-

vides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with the statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of the types of naval vessels known as Aircraft Carriers (CV), and Aircraft Carriers, Large (CVB), has been made by the Navy Department, and, as a result of such study, it has been determined that because of their special construction it is not possible for these types of naval vessels to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore, I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study, do find and certify that the types of naval vessels, known as Aircraft Carriers (CV), and Aircraft Carriers, Large (CVB), are naval vessels of special construction and that it is not possible to comply with the requirements of the statutes enumerated in the act of December 3, 1945, on such types of vessels with respect to the position of the anchor lights, the masthead light and an additional white light (commonly termed the range light), if such additional light is installed. Further, I do find and certify, with respect to the location of the aforesaid anchor lights, as follows:

That it is feasible to provide anchor lights for the aforesaid types of vessels by the use of four white lights located in the following manner. Two lights shall be in the forward part of the vessel and two shall be at or near the stern. The forward lights shall be placed in the same horizontal plane, one on the port side and one on the starboard side, below the flight deck at a distance of not more than five feet below the level of such deck. The after lights shall be placed in the same horizontal plane, one on the port side and one on the starboard side, at such a height that they shall be not less than fifteen feet lower than the two forward lights.

Further, I find and certify with respect to the masthead light and an additional white light (commonly termed the range light), if such additional light is installed:

That it is feasible to locate the masthead light and an additional white light (commonly termed the range light), if such additional light is installed, on or near the center line of the island structure of said vessels in a vertical plane parallel to but not in line with the keel of said vessels.

I direct that the aforesaid lights, that is, the anchor lights, the masthead light, and an additional white light (commonly termed the range light), if such light is installed, shall be located in the manner

above described, and I further certify that such location constitutes compliances as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 1st day of November A. D. 1946.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 46-20274; Filed, Nov. 13, 1946;
8:45 a. m.]

[No. 5 (b)]

AIRCRAFT CARRIERS (CVE AND CVL)

NAVIGATION LIGHTS

Certificate of the Secretary of the Navy under the Act of December 3, 1945 (Public Law 239, 79th Congress).

Whereas, the act of December 3, 1945 (Public Law 239, 79th Congress) provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of the types of naval vessels known as Aircraft Carriers, Escort, (CVE), and Aircraft Carriers, Light, (CVL), has been made by the Navy Department, and, as a result of such study, it has been determined that because of their special construction it is not possible for these types of naval vessels to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore, I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study, do find and certify that the types of naval vessels, known as Aircraft Carriers, Escort, (CVE), and Aircraft Carriers, Light, (CVL), are naval vessels of special construction and that it is not possible to comply with the requirements of the statutes enumerated in the Act of 3 December 1945 on such types of vessels with respect to the position of the anchor lights, the masthead light and an additional white light (commonly termed the range light), if such additional light is installed. Further, I do find and certify, with respect to the location of the aforesaid anchor lights, as follows:

That it is feasible to provide anchor lights for the aforesaid types of vessels by the use of four white lights located in the following manner. Two lights shall be in the forward part of the vessel and two shall be at or near the stern. The forward lights shall be placed in the same horizontal plane, one on the port side and one on the starboard side, below the flight deck at a distance of not more than five feet below the level of such deck. The after lights shall be placed in the same horizontal plane, one

on the port side and one on the starboard side, at such a height that they shall be not less than fifteen feet lower than the two forward lights.

Further, I find and certify with respect to the masthead light and an additional white light (commonly termed the range light), if such additional light is installed:

(a) That it is feasible to locate the masthead light and an additional white light (commonly termed the range light), if such additional light is installed, on or near the center line of the island structure of said vessels in a vertical plane parallel to but not in line with the keel of said vessels.

(b) That it is feasible to locate the said additional white light, if such light is installed, forward of the masthead light at such a height that the after light shall be at least fifteen feet higher than the forward light and the vertical distance between the two shall be less than the horizontal distance.

I direct that the aforesaid lights, that is, the anchor lights, the masthead light, and an additional white light (commonly termed the range light), if such light is installed, shall be located in the manner above described, and I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 1st day of November A. D. 1946.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 46-20275; Filed, Nov. 13, 1946;
8:45 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 2114]

JOHN W. HANES AND PAN AMERICAN
AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the application of John W. Hanes and Pan American Airways, Inc. for approval of interlocking relationships under section 409 (a) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 409 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on November 20, 1946 at 10:00 a. m. (eastern standard time) in Room 1508, Commerce Building, 14th Street, between Constitution Avenue and E Street NW., Washington, D. C., before Examiner Warren E. Baker.

Dated at Washington, D. C., November 8, 1946.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46-20300; Filed, Nov. 13, 1946;
8:49 a. m.]

[Docket No. 2383]

COMPANIA MEXICANA DE AVIACION, S. A.

NOTICE OF HEARING

In the matter of the application of Compania Mexicana De Aviacion, S. A. for amendment of a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of the said act, that a hearing in the above-entitled matter is assigned to be held on November 19, 1946 at 10 a. m. (eastern standard time) in Room 1508, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., November 8, 1946.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46-20284; Filed, Nov. 13, 1946;
8:46 a. m.]

[Docket No. 2492]

UNITED STATES LINES CO. AND PAN
AMERICAN AIRWAYS, INC.

NOTICE OF HEARING

In the matter of an agreement, CAB No. 157, between Pan American Airways, Inc. and United States Lines Company referring to agency in Great Britain, Irish Free State and Europe.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 412 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on November 20, 1946, at 10:00 a. m. (eastern standard time) in Room 1508, Commerce Building, 14th Street, between Constitution Avenue and E Street NW., Washington, D. C., before Examiner Warren E. Baker.

Dated at Washington, D. C., November 8, 1946.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46-20301; Filed, Nov. 13, 1946;
8:49 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-687]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

NOVEMBER 6, 1946.

Notice is hereby given that on December 17, 1945, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Texas, Oklahoma and Kansas, filed an application, as amended on October 24, 1946, for a certificate of public

convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to transport natural gas for Cities Service Gas Company (Cities Service) from a point near Blackwell, Oklahoma, to the City of Wichita, Kansas, and to authorize the operation of a meter and regulator station located at the intersection of Second and Sherman Streets, in the City of Wichita, Kansas.

Applicant recites that it has unused capacity in its Blackwell-Wichita pipeline and that Cities Service has a supply of gas in the Blackwell area in excess of its pipeline capacity between these points. Applicant further recites that Cities Service requires this gas to meet its requirements in the Wichita area. Rate Schedule F. P. C. No. 23 with Supplement No. 1 as filed by Applicant is applicable to the service proposed.

No new construction is contemplated by Applicant in the matter involved herein, as the facilities are now in service.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Consolidated Gas Utilities Corporation should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-20298; Filed, Nov. 13, 1946;
8:49 a. m.]

[Docket No. G-803]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1946.

Notice is hereby given that on October 29, 1946, Hope Natural Gas Company (Applicant), a West Virginia corporation having its principal place of business at Clarksburg, West Virginia, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate certain natural gas facilities subject to the jurisdiction of the Federal Power Commission, described in the application as follows:

(1) Facilities which Applicant proposes to construct in the year 1947:

Additions to Cornwell compressor station. Four 1,000 horsepower gas engine driven compressors, together with certain auxiliary equipment.

Loop Line for H-192. An additional 45 miles of 12-inch loop line paralleling the existing 12-inch high pressure line H-192, the additional loop commencing at Hastings Compressing Station and extending in a southerly direction to a point in Gilmer County.

Booster Station for Line H-192. A Booster Station at Middle Island, Doddridge County, West Virginia, to pump gas in line H-192 and loop line for H-192 consisting of five 1,200 horsepower gas engine driven compressors with auxiliary equipment.

(2) Facilities which Applicant proposes to construct in the year 1948:

Additions to Cornwell compressor station. Three 1,000 horsepower gas engine driven compressors, together with certain auxiliary equipment and buildings.

Loop Line for H-192. An additional 14 miles of 12-inch loop line paralleling an existing 12-inch high pressure line H-192 starting at Jones Compressor Station.

Additions to Hastings Station. (No. 1 Plant) Three 2,000 horsepower steam engine driven compressors, piping, building and certain auxiliary equipment.

(No. 2 Plant) Six high pressure gas compressors, piping, changes and coolers.

The application states that the facilities proposed will constitute additions to applicant's existing natural-gas system in the State of West Virginia and are to be constructed and operated to enable applicant to transport increasing quantities of natural gas which it proposes to purchase from Tennessee Gas and Transmission Company commencing during the year 1947.

The application states further that under a supplemental agreement to the existing contract between Applicant and Tennessee Gas and Transmission Company, dated October 25, 1943, the volume of gas deliverable by Tennessee Gas and Transmission Company to Applicant will be increased from 115,000,000 to 165,000,000 cubic feet per day, the additional volume to be delivered in increasing quantities during the year 1947. Applicant states that the additional volume of natural gas is required to meet continuing increases in the requirements of its present customers, particularly The East Ohio Gas Company and New York State Natural Gas Corporation.

Applicant recites that the total cost of the facilities proposed to be installed during 1947 and 1948 is preliminarily estimated at \$4,700,000, the cost of which will be financed through the sale of securities by the Hope Company to Consolidated Natural Gas Company.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Hope Natural Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in ac-

cordance with the Commission's rules of practice and procedure.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-20299; Filed, Nov. 13, 1946;
8:49 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 641]

UNLOADING OF WOOL AT EL PASO, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of November A. D. 1946.

It appearing, that car CN 502764, containing wool at El Paso, Texas, on The Atchison, Topeka and Santa Fe Railway Company, from Matson Steamship Line, Victoria, B. C., Canada, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Wool at El Paso, Texas, be unloaded.* The Atchison, Topeka and Santa Fe Railway Company, its agents or employees, shall unload immediately car CN 502764, containing wool now on hand at El Paso, Texas, notify Daniel Castillanos, El Paso, Tex.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., November 9, 1946, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-20288; Filed, Nov. 13, 1946;
8:46 a. m.]

[S. O. 642]

UNLOADING OF BEER AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of November A. D. 1946.

It appearing, that 2 cars containing beer at Los Angeles, California, on The Atchison, Topeka and Santa Fe Railway Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Beer at Los Angeles, California, be unloaded.* The Atchison, Topeka and Santa Fe Railway Company or its agents or employees, shall unload immediately cars ACY 1205 and CP 238162, containing beer, now on hand at Los Angeles, Calif., consigned Olympic Distributors, Los Angeles, Calif.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., November 9, 1946, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-20289; Filed, Nov. 13, 1946;
8:46 a. m.]

[S. O. 643]

UNLOADING OF APRICOTS AT LONG ISLAND CITY, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of November A. D. 1946.

It appearing, that car Wab 74319, containing apricots in syrup, at Long Island City, N. Y., on the Long Island Rail Road Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Apricots at Long Island City, N. Y., be unloaded.* The Long Island Rail Road Company, its agents or employees, shall unload immediately car Wab 74319, loaded with apricots in syrup, now on hand at Harold Avenue team track, Long Island City, Long Island, N. Y., consigned order Flotill Products, Inc., notify H. F. Dollar, Inc.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., November 9, 1946, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2).)

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-20290; Filed, Nov. 13, 1946;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-150]

HUDSON RIVER POWER CORP. ET AL

NOTICE OF FILING OF PLAN AND NOTICE OF
AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of November 1946.

In the matter of Hudson River Power Corporation, System Properties, Inc., Eastern New York Power Corporation and International Hydro-Electric System. File No. 54-150.

Notice is hereby given that a joint application has been filed with this Commission by Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, by Hudson River Power Corporation ("Hudson River") and System Properties, Inc. ("SPI"), subsidiaries of IHES, and by Eastern New York Power Corporation ("ENYP"), a newly formed corporation, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan providing, inter alia, for the merger of Hudson River and SPI into ENYP, the elimination of indebtedness of Hudson River and SPI to IHES and the issuance of securities by ENYP to refund First and Refunding 5% Sinking Fund Mortgage Bonds due January 1, 1947, of International Paper Company which have been assumed by Hudson River ("Assumed IP Bonds"). The applicants state that the plan is further designed to effect compliance with the order of the Commission, dated July 21, 1942 (File Nos. 59-14 and 54-19) and orders of the United States District Court for the District of Massachusetts requiring dissolution of IHES.

All interested persons are referred to said application and plan which are on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

1. ENYP will increase its authorized capital stock from 80 shares of common stock, \$25 par value, to 320,000 shares of common stock, \$25 par value. IHES then proposes to acquire the subscription rights of the incorporators of ENYP. Thereafter, IHES proposes to transfer to ENYP 95,300 shares of no par value common stock of Hudson River and 256,510 shares of \$10 par value common stock of SPI, constituting all of the outstanding common stock of such companies, in exchange for 293,204 shares of common stock, \$25 par value, of ENYP, constituting all of such common shares then outstanding.

2. Hudson River and SPI will then be merged into ENYP through a statutory merger under the New York Stock Corporation law by which ENYP will acquire all of the assets and assume all the liabilities of Hudson River and SPI, including indebtedness to IHES on demand notes and open account advances in the aggregate amount of \$5,683,710 and the Assumed IP Bonds outstanding in the aggregate principal amount of \$12,861,000.

3. IHES will pay to ENYP \$3,200,000 which is considered to be the amount due Hudson River and SPI out of a certain settlement agreement entered into by and between IHES and International Paper Company and approved by the District Court of the United States for the District of Massachusetts on December 26, 1945 with respect to which an appeal is now pending in the United States Circuit Court of Appeals for the

First Circuit. The said \$3,200,000 will be applied against reduction pro tanto of the demand notes and open account advances to IHES. ENYP will then issue 26,796 additional shares of its common stock (aggregate par value \$669,900) to IHES in full settlement and satisfaction of the balance of the demand notes and open account advances in the aggregate amount of \$2,483,710. ENYP then proposes to reduce the book cost of certain of its assets by \$3,200,000. ENYP also proposes to provide a reserve for unclassified plant in the amount of \$3,300,000, a reserve for depreciation of unclassified plant amounting to \$3,100,000 and to increase the reserve for depreciation of electric plant by \$1,560,000.

4. On consummation of the proposed merger of Hudson River and SPI into ENYP, ENYP proposes to issue and sell \$9,861,000 principal amount of First Mortgage Sinking Fund Bonds, -----%, Series due 1961 and \$3,000,000 principal amount of Second Mortgage Bonds 4% Series due 1962, secured respectively by a First Mortgage and a Second Mortgage on substantially all of the properties of ENYP then owned or thereafter acquired. The proceeds of said sale, together with other funds as may be required, are proposed to be used for the satisfaction and discharge of the Assumed IP Bonds. Applicants state that no formal contract arrangement has been made for the issuance of the First Mortgage Sinking Fund Bonds -----% Series due 1961; that, pursuant to a letter agreement dated December 27, 1945, IP is obligated to purchase up to \$3,000,000 principal amount of Second Mortgage Bonds 4% Series due 1962, if the Assumed IP Bonds are paid on or prior to December 31, 1946.

Applicants request an exemption from the competitive bidding requirements of Rule U-50 with respect to the issuance and sale of any securities under the plan. They also request that the order of the Commission conform to the pertinent provisions of the Internal Revenue Code, as amended, including Supplement R and section 1808 (f) thereof, and contain the recitals therein specified. Applicants further request that the order of the Commission be issued at the earliest possible time in order to meet the maturity of the Assumed IP Bonds.

It is further stated by applicants that certain of the transactions herein proposed are subject to the approval of the United States District Court for the District of Massachusetts and the Public Service Commission of the State of New York.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application and plan and that said application shall not be granted and said plan shall not be approved except pursuant to further order of this Commission.

It is ordered, Pursuant to sections 11 and 18 of the act, that a hearing on said application and plan be held on November 26, 1946 at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing-room clerk in Room 318

will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and plan and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed plan as submitted, or as hereafter amended, is necessary to effectuate the provisions of section 11 (b) of the act and is a proper step toward compliance with the order of the Commission dated July 21, 1942.

2. Whether the proposed plan, as submitted, or as hereafter amended, is fair and equitable to the persons affected thereby.

3. Whether the securities proposed to be issued by ENYP are solely for the purpose of financing its business and have been expressly authorized by the State Commission of the State in which that company is organized and doing business. If not, whether such securities are reasonably adapted to the security structure and earning power of ENYP and are necessary or appropriate to the economical and efficient operation of its business.

4. Whether the proposed merger of Hudson River and SPI into ENYP and the acquisition of the ENYP stock by IHES are detrimental to the carrying out of the provisions of section 11 and whether such merger and such acquisition will serve the public interest by tending towards the economical and efficient development of an integrated public utility system.

5. Whether the fees and expenses proposed to be paid in connection with consummation of the plan and all transactions incident thereto are for necessary services and are reasonable in amount.

6. Whether the proposed accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles.

7. Whether the issuance and sale of proposed First and Second Mortgage Bonds by ENYP should be exempted from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50.

8. Whether the First Mortgage and Second Mortgage contain adequate protective provisions for the benefit of the security holders.

9. Whether the transactions set forth herein meet the applicable standards of sections 6, 7, 9, 10 and 12 of the Act.

10. What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and

consumers or to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules or regulations promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding, or proposing to intervene herein, shall file with the Secretary of the Commission on or before November 25, 1946 his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to applicants herein and to the New York Public Service Commission and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-20293; Filed, Nov. 13, 1946;
8:48 a. m.]

[File No. 54-151]

COMMONWEALTH AND SOUTHERN CORP.
(DELAWARE) AND SOUTHERN INDIANA GAS
AND ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 6th day of November A. D. 1946.

Notice is hereby given that The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and Southern Indiana Gas and Electric Company ("Southern Indiana"), a public utility subsidiary of Commonwealth, have filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 proposing action for partial compliance with the provisions of section 11 (b) of the act, and for the approval of incidental and related transactions; The plan provides in effect for the retirement of a portion of the outstanding preferred stock of Commonwealth through an exchange offer of common stock of Southern Indiana, a portfolio security held by Commonwealth.

Applicants have designated sections 6 (a), 7, 11 (e), 12 (c) and 12 (d) of the act and Rules U-42, U-44 and U-50 thereunder as applicable to the particular transactions proposed in said plan and application.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

1. Commonwealth proposes in the instant plan to offer to exchange for each share of its outstanding \$6 Cumulative Preferred Stock up to and including 114,285 shares of said stock, three and one-half (3½) shares of the common stock without par value of Southern Indiana. In lieu of half shares of Southern Indiana common stock, payments in cash would be made of an amount equal to ¼th of the average closing market price of the Preferred Stock on the New York Stock Exchange on three consecutive market days immediately preceding the final date for acceptance of the offer under the plan. Any shares of common stock of Southern Indiana which by reason of such cash payments are not delivered in exchange would be sold by Commonwealth in the open market in accordance with such procedure as may be prescribed by the Commission.

It may be noted that as of October 1, 1946, Commonwealth had outstanding 1,482,000 shares of \$6 Cumulative Preferred Stock with a stated value of \$100 per share, and a voluntary and involuntary liquidating value of \$100 per share plus arrearages. At October 1, 1946, accrued and unpaid dividends on said shares of Preferred Stock aggregated \$26 per share, after giving effect to a dividend of \$3 per share previously declared but not paid until October 11, 1946. Pursuant to application of Commonwealth, this Commission by order dated October 4, 1946, authorized Commonwealth to expend in its discretion not more than \$5,000,000 to purchase in the open market, or otherwise, shares of such outstanding Preferred Stock.

2. The proposed plan of exchange is voluntary and no stockholder would be required to accept the offer.

3. Under the proposed plan, the offer of exchange would be mailed to the registered holders of the Preferred Stock of Commonwealth pursuant to the geographic mailing schedule maintained by the United States Post Office Department, and the offer would remain open for a period of at least 15 days after the final date of such mailing. If less than 114,285 shares of the Preferred Stock shall have been tendered during such period, it is proposed that the offer may be extended for an additional period or periods, not exceeding 60 days in the aggregate.

4. The plan provides that deposits by the holders of Preferred Stock of Commonwealth will be accepted in the order of receipt and that the offer of exchange will be limited to 114,285 shares of such Preferred Stock. Any deposit which would result in exceeding such limit would be subject to appropriate reduction. Commonwealth under such plan reserves the right to reject all deposits if less than 90,000 shares of its Preferred Stock are deposited for exchange.

5. The plan further provides that the offer may be accepted only (a) by deposit with the Exchange Agent, Bankers Trust Company, 16 Wall Street, New York 15, New York, or its Sub-Agent, the National City Bank of Evansville, Evansville, Indiana, of the certificates for the shares of Preferred Stock to be exchanged, together with the completed form of acceptance of offer of exchange prescribed

by Commonwealth, or (b) by delivery to the Exchange Agent or its Sub-Agent of an undertaking in the form prescribed by Commonwealth and signed by the accepting preferred stockholder whereby the stockholder agrees to send the certificates to be exchanged to the Exchange Agent or Sub-Agent with reasonable promptness. Preferred Stock deposited for exchange would be deposited irrevocably and no holder of such stock would have a right to withdraw stock once deposited, unless Commonwealth rejects all deposits. Depositing stockholders would receive a non-transferable receipt evidencing the deposit of their shares.

6. According to the plan, the Exchange Agent will deliver to the holders of Preferred Stock of Commonwealth whose shares have been accepted for exchange, as soon as practicable after the close of the final period for such acceptance, certificates for the shares of the common stock of Southern Indiana and the cash (if any) distributable in exchange. The shares of Preferred Stock accepted for exchange would be cancelled and retired in accordance with applicable provisions of the General Corporation Law of Delaware.

7. Commonwealth in the proposed plan reserves the right to employ an investment banker or bankers to solicit exchanges, in which event the terms of such employment, the compensation to be paid to such banker or bankers and the commissions to be paid to brokers or dealers in connection with such solicitation will be furnished by amendment.

8. The consummation of the plan is subject to the condition that the Commission shall find the plan, as submitted or as modified by Commonwealth, necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby and that the order of the Commission approving the plan shall contain the recitals required by sections 371 (f) and 1808 (f) of the Internal Revenue Code.

9. Prior to the mailing of the offer of exchange, Southern Indiana proposes to amend its charter so as to provide that (a) whenever and as often as four quarterly dividends payable on its preferred stock of any series shall be in default in whole or in part, the holders of its preferred stock shall have the exclusive right, voting separately and as a class, to vote for and elect the smallest number of directors which shall constitute a majority of the then authorized number of directors of the company, and (b) in all elections of directors, each stockholder entitled to vote shall have cumulative voting rights. The applicants request that prior to issuance of the final order on the plan of exchange, the Commission issue a preliminary order authorizing Southern Indiana to amend its charter in the respects set forth in this paragraph.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of sec-

tion 11 and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice is given and a hearing be held on the plan filed by Commonwealth to afford all interested persons an opportunity to be heard with respect thereto:

It is ordered, That a hearing on said application, pursuant to applicable provisions of the act and the rules and regulations thereunder be held on December 5, 1946, at 11:00 a. m., e. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

It is further ordered, That Allen McCullen or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

2. Whether the proposal by Commonwealth to dispose of shares of common stock of Southern Indiana meets the applicable provisions of sections 12 (d) and 12 (f) of the act and Rules U-44 and U-50 thereunder.

3. Whether the proposal by Commonwealth to acquire for retirement shares of its outstanding Preferred Stock meets the applicable provisions of section 12 (c) of the act and Rule U-42 thereunder.

4. Whether it is necessary to impose any term or condition, or enter any order, to insure that voting power shall be fairly and equitably distributed among the security holders of Southern Indiana.

5. Whether it is necessary to impose any term or condition with respect to servicing arrangements, interlocking officers and directors, and other intercompany relationships or transactions, to insure that Southern Indiana shall cease to be a subsidiary, directly or indirectly of Commonwealth.

6. Whether the fees, commissions, or other remunerations to be paid in connection with the proposed transactions are reasonable.

7. Whether the proposed accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles.

8. What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before December 3, 1946, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That notice of said hearing be given to Commonwealth, Southern Indiana and to all other persons, said notice to be given by registered mail to Commonwealth, Southern Indiana, the Public Service Commission of Indiana, and the City of Evansville, Indiana, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That Commonwealth shall give further notice of this hearing to all of its preferred and common stockholders (insofar as their identity is known or available to Commonwealth) by mailing to each of said persons at his last known address, at least fifteen days prior to the date of this hearing, a statement setting forth in brief (a) a summary of the exchange offer, (b) the time, date and place of the hearing and (c) that the applicants may modify the offer of exchange by amendment without further communication to stockholders, unless otherwise ordered by the Commission or unless information with respect thereto is requested by individual stockholders. Such statement shall be submitted to the Commission for review prior to mailing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-20297; Filed, Nov. 13, 1946;
8:48 a. m.]

[File No. 68-79]

STANDARD GAS AND ELECTRIC CO.

ORDER FOR ORAL ARGUMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of November 1946.

Standard Gas and Electric Company, a registered holding company, having filed pursuant to Rule U-65 of the Public Utility Holding Company Act of 1935 a declaration concerning the proposed solicitation of proxies from the holders of its Prior Preference Stock, \$4 Cumulative Preferred Stock, and Common Stock in connection with the election of a board of directors of the Company at an annual meeting of the Company to be held on December 4, 1946, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act;

The Commission having received a request from Guggenheimer & Untermyer, attorneys for Kent Cochran and Christian A. Johnson, beneficial owners of \$4 Cumulative Preferred Stock of the Com-

pany, that a hearing be held with respect to said matter;

Said persons having also filed a petition with the Commission requesting that the Commission order Standard Gas and Electric Company to furnish to said petitioners a list of the holders of the \$4 Cumulative Preferred Stock of the Company, said list to be used by petitioners in their proposed solicitation of proxies in connection with the aforesaid election; and

The Commission having considered said request and petition and it appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that oral argument be held before it with respect to said declaration and petition and that said declaration shall not become effective except pursuant to further order of the Commission;

It is ordered, That oral argument with respect to said declaration and petition pursuant to the rules of practice of the Commission be held before the Commission on the 12th day of November, 1946, at 2:30 P. M., E. S. T., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such oral argument will be held.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid oral argument by mailing a copy of this order to Standard Gas and Electric Company and to Guggenheimer & Untermyer, attorneys for aforesaid petitioners.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-20294; Filed, Nov. 13, 1946;
8:48 a. m.]

[File No. 70-1247]

CENTRAL MAINE POWER CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND FINANCIAL ADVISER'S FEE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of November 1946.

The Commission, by orders dated April 22, 1946 and May 9, 1946, having granted and permitted to become effective, subject to certain conditions, the application-declaration, as amended, filed by Central Maine Power Company ("Central Maine"), a subsidiary of New England Public Service Company, a registered holding company, pursuant to sections 6 (b), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-50 promulgated thereunder, regarding inter alia, the issuance and sale, at competitive bidding, of \$13,000,000 principal amount of First and General Mortgage Bonds, 220,000

shares of new preferred stock, \$100 par value, and additional shares of \$10 par common stock to provide \$10,000,000 (Holding Company Act Releases Nos. 6571 and 6618); and

The Commission having in said orders reserved jurisdiction with respect to the payment of all legal fees incurred in connection with the proposed transactions and with respect to the payment of the financial adviser's fee; and

Central Maine having filed an amendment to its application-declaration setting forth the amounts, nature and extent of legal services rendered by various counsel and by the financial adviser for which requests for payment have been made in the aggregate of \$82,756, classified as follows:

To be paid by Central Maine:	
Ropes, Gray, Best, Coolidge & Rugg	\$30,000.00
E. H. Maxcy	12,966.00
N. W. Wilson	4,784.50
J. P. Gorham	1,152.25
W. H. Dunham	353.25
Coffin & Burr, Inc. (financial adviser)	14,000.00
To be paid by Underwriters:	
Choate, Hall & Stewart	19,500.00
Total	82,756.00

The Commission having considered the record and it appearing to the Commission that the legal fees and the financial adviser's fee are not unreasonable and that jurisdiction over such fees should be released;

It is ordered, That the jurisdiction heretofore reserved in the orders of April 22, 1946, and May 9, 1946, over the payment of legal fees incurred in connection with said transactions and over the payment of the financial adviser's fee be, and the same is, hereby released.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-20296; Filed, Nov. 13, 1946;
8:48 a. m.]

[File No. 70-1322]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE) AND CONSUMERS POWER CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 6th day of November A. D. 1946.

The Commission having on August 28, 1946 issued its findings, opinion and order herein, regarding an application-declaration and amendments thereto filed jointly by The Commonwealth & Southern Corporation (Commonwealth), a registered holding company, and Consumers Power Company (Consumers), a public utility subsidiary thereof, pursuant to the Public Utility Holding Company Act

of 1935, with respect to, among other things, a proposed increase in the number of authorized shares of common stock of Consumers, the issuance of new shares of Consumers' common stock to Commonwealth in exchange for shares thereof previously held by Commonwealth, and the issuance and public sale pursuant to the competitive bidding provisions of Rule U-50 promulgated under the Act of such amount of additional common stock of Consumers as would result in net proceeds to Consumers of \$20,000,000;

Consumers and Commonwealth having subsequently consummated all of the action proposed except the issuance and public sale of additional common stock, and having thereafter filed a further amendment to said application-declaration providing that the amount of common stock of Consumers to be issued and sold pursuant to Rule U-50 shall be 500,000 shares, with the proviso that if the price per share specified in the accepted proposal exceeds \$40 net to the company, the aggregate number of shares to be purchased by the successful bidder or bidders will be reduced to the maximum number of shares which will produce net cash proceeds to Consumers in an amount not exceeding \$20,000,000;

The hearing having been reconvened after appropriate notice and the Commission having considered the record and having determined that no adverse findings need be made with respect to the application-declaration, as amended, and that there is no occasion for any change in the Commission's previously expressed findings and opinion herein:

It is ordered, That said application-declaration, as amended, be and the same hereby is, granted and permitted to become effective subject to the terms and conditions provided in Rule U-24 and to the following further terms and conditions:

1. That the proposed issuance and sale of additional common stock of Consumers shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light thereof, jurisdiction being reserved for this purpose.

2. That jurisdiction be, and it is, hereby reserved over the payment of all fees and expenses of all counsel, incurred or to be incurred in connection with the proposed transactions.

It is further ordered, That the ten-day period for inviting bids as provided in Rule U-50 be, and the same hereby is, shortened to a period of not less than six days.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-20295; Filed, Nov. 13, 1946;
8:48 a. m.]

